REMARKS

Applicants will address each of the Examiner's rejections in the order in which they appear in the Final Rejection.

Claim Rejections - 35 USC §102

Claims 19-20

In the Final Rejection, the Examiner rejects Claims 19-20 under 35 USC 102(b) as being anticipated by Tay et al. or Teissen-Simony. This rejection is respectfully traversed.

In particular, Tay is directed to a needle assembly. The concern in Tay is to prevent side and back stick incidents which occur when the needle is being inserted into the arterial system. Tay discloses a latching mechanism which has a finger-like projection 72 which extends from the housing 30 and a finger-like projection 74 which extends from a hub 50 of the needle. Projection 72 has a recess 75 with a tab 76 therein. Projection 72 has a touch pad 71 which acts as a release for the locking mechanism. The needle is only locked, however, when the hub 50 of the needle is pulled back into the housing 30. It is not engaged when the needle is pushed forward, allowing the distal end of needle to be pushed forward. See Col. 3, lns. 57-60.

Teissen-Simony is directed to an infusion set for insulin.

Each of these are different than the catheter of Claim 19 of the present application which includes a transfer device having a central opening for receiving the catheter and for storing at least one treatment element and propelling the treatment element into a lumen in the catheter. The catheter further includes a connector having at least one detent having a transverse tab for securing the connector in the central opening, the detent being manually actuable to release the catheter from

the central opening. The purpose of the claimed structure is so that the catheter cannot be separated from the transfer device until desired by the operator. As a result, no treating elements (which are typically radioactive) can escape from the central opening by the catheter being accidentally separated from the transfer device.

Accordingly, it is respectfully submitted that the claimed invention is different and patentable over the cited references. Therefore, it is requested that this rejection be withdrawn.

Claims 21, 42-43

The Examiner also rejects Claims 21, 42-43 under 35 USC §102(e) as being anticipated by Yock. This rejection is also respectfully traversed.

Claim 21 is directed to a catheter for use in a system for intraluminal treatment of a selected site in a body where the catheter has first and second lumens extending between the proximal and distal ends and communicating at the distal ends. One of the reasons for this feature is to keep the treating element within the catheter.

Such a feature is not disclosed or suggested by Yock. As shown in the figures in Yock, none of the lumens communicate with each other at the distal ends. Further, Yock does not disclose a treating element movable by means of pressurized fluid, as required in Claim 21. Instead, Yock is directed to a balloon dilation catheter which has a radiopaque contrast liquid to fill the balloon. Hence, the cited reference does not disclose or suggest this feature, and Claim 21 and dependent Claims 42 and 43 are patentable thereover. Accordingly, it is requested that this rejection be withdrawn.

Claim 40

The Examiner further rejects Claim 40 under 35 USC §102(b) as being anticipated by Bigham. This rejection is also respectfully traversed.

In order to advance the prosecution of this application, Claim 40 has been canceled, rendering this rejection moot.

Claim Rejections - 35 USC §103

Rejection of Claim 22

The Examiner rejects Claims 22 under 35 USC §103 over Yock and further in view of Fiddian-Green. This rejection is also traversed.

This dependent claim is at least patentable over the cited references for the reasons described above for independent Claim 21.

Further, Fiddian-Green is directed to a remote sensing tonometric catheter which is very different than a catheter for use in a system for intraluminal treatment of a selected site in a body of a patient by at least one treating element, as in the claimed invention. Further, the catheter in Figs. 1-2 of Fiddian-Green appears to have a single lumen extending from the proximal end to the distal end of an elongated tube. The lumens of Figs. 4 are explicitly stated as being noncommunicating with each other (see col. 6, lns. 40-44 in Fiddian-Green). The lumens of Figs. 5 are merely connected with a catheter at the end of the lumen, not in communication with another lumen which extends from the proximal end to the distal end of the elongated tube.

Additionally, Fiddian-Green does not disclose or suggest "at least one radiopaque marker for aligning said distal end and the at least one treating element with the selected site of the body of the

patient, said radiopaque marker being located within said first lumen at said distal end and providing a fluid flow path between said first and second lumen,"as recited in Claim 22. Instead, Fiddian-Green discloses a radiopaque tungsten plug which is intended to "block" the lumen, or a radiopaque tungsten rod which terminate the end of the lumen. See Col. 7, lns. 20-34 of Fiddian-Green. Hence, the reference does not disclose or suggest a radiopaque marker that provides a fluid path between the first and second lumens.

Therefore, for at least the above-stated reasons, Claim 22 is not disclosed or suggested by the cited references and is patentable thereover. Accordingly, it is requested that this rejection be withdrawn.

Rejection of Claims 38-39

The Examiner also rejects Claims 38-39 under 35 USC §103 as being unpatentable over Waksman et al. and further in view of Littmann et al. This rejection is also respectfully traversed.

Claim 38 is directed to a catheter for use in an intraluminal treatment system. The catheter has three lumens, one of which is sized to receive a guidewire. Importantly, as specifically recited in the claim, the distal end of this lumen has a lining that resists damage from the guidewire as the catheter is delivered over the guidewire to the treatment site. This is described for example in the specification on page 36, lines 21-26 and is shown in Fig. 42C. As explained therein, for example, such a lining is of a sufficient durometer to resist the guidewire from damaging the distal end of the lumen. Applicants can find no disclosure of such a lining in the cited references. The Examiner recites Littmann as showing such a lining. However, Littmann merely discloses a lining formed of a

lubricous material (col. 6, lns. 5-12). There is no mention of a material that resists damage from the guidewire. Accordingly, the rejection of Claim 38 should be withdrawn.

Claim 39 is dependent from Claim 38 and requires the guidewire lumen lining to comprise a blend of a high density polyethylene and a low density polyethylene. The Examiner acknowledges that Waksman does not disclose this feature and does not explain where Littman discloses this feature.

Therefore, for at least the above-stated reasons, Claims 38 and 39 are not disclosed or suggested by the cited references and are patentable thereover. Accordingly, it is requested that this rejection be withdrawn.

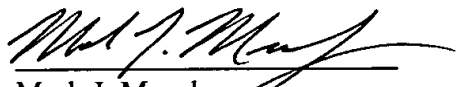
CONCLUSION

Therefore, for at least the above-stated reasons, the present application is now in an allowable condition and should be allowed.

Please charge our deposit account 50/1039 for any further fee for this amendment.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,



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